

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HYRUM JOSEPH WEST,

Plaintiff,

vs.

NYE COUNTY, et al.,

Defendants.

Case No. 2:13-cv-00271-APG-VCF

ORDER

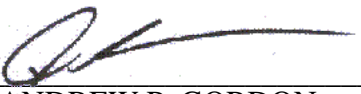
The court denied plaintiff's motion for leave to file an amendment adding defendants (#12) because he did not comply with this court's Local Rule 15-1(a), which requires that a motion for leave to file an amended complaint be accompanied by the proposed amended complaint. Order (#13). Plaintiff has filed a motion for reconsideration (#14). Also on the docket is an amended complaint (#15). The defendants that plaintiff has added are county commissioners of Nye County, sued in their official capacities and individual capacities. To the extent that he tries to sue the commissioners in their official capacities, the amendment would be redundant, because an official-capacity claim against a person is the same as suing the entity that employs that person, and plaintiff already is suing Nye County. See Kentucky v. Graham, 473 U.S. 159, 165 (1984). To the extent that he is trying to sue the commissioners in their individual capacities, he does not allege the necessary personal knowledge or involvement on the part of the commissioners; the commissioners cannot be liable personally simply because they were the county commissioners at the time. See Hansen v. Black, 885 F.2d 642, 646 (9th Cir. 1989). Indeed, plaintiff does not mention the

1 commissioners at all in the body of the complaint. Consequently, amendment of the complaint
2 would be futile. The court denies the motion and strikes the amended complaint (#15).

3 **IT IS THEREFORE ORDERED** that plaintiff's motion for reconsideration (#14) is
4 **DENIED.**

5 **IT IS FURTHER ORDERED** that the clerk of the court shall **STRIKE** the amended
6 complaint (#15).

7 Dated: April 28, 2014.

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10 ANDREW P. GORDON
11 United States District Judge
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